

# **SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT**

Audit Report

## **COLLECTIVE BARGAINING PROGRAM**

Chapter 961, Statutes of 1975,  
and Chapter 1213, Statutes of 1991

*July 1, 1999, through June 30, 2002*



**STEVE WESTLY**  
California State Controller

August 2004



**STEVE WESTLY**  
California State Controller

August 6, 2004

Mr. Ron Galatolo  
Chancellor-Superintendent  
San Mateo County  
Community College District  
3401 CSM Drive  
San Mateo, CA 94402-3699

Dear Mr. Galatolo:

The State Controller's Office has completed an audit of the claims filed by San Mateo County Community College District for costs of the legislatively mandated Collective Bargaining Program (Chapter 961, Statutes of 1975, and Chapter 1213, Statutes of 1991) for the period of July 1, 1999, through June 30, 2002.

The district claimed \$1,090,686 for the mandated program. Our audit disclosed that \$355,236 is allowable and \$735,450 is unallowable. The unallowable costs occurred primarily because the district claimed unsupported labor costs. The district was paid \$952,529. The amount paid in excess of allowable costs claimed, totaling \$597,293, should be returned to the State.

If you have any questions, please contact Jim L. Spano, Chief, Compliance Audits Bureau, at (916) 323-5849.

Sincerely,

*Original Signed By:*

VINCENT P. BROWN  
Chief Operating Officer

VPB:ams

cc: James Keller

Executive Vice Chancellor

San Mateo County Community College District

Ed Monroe, Program Assistant

Fiscal Accountability Section

Chancellor's Office

California Community Colleges

Jeannie Oropeza, Program Budget Manager

Education Systems Unit

Department of Finance

Charles Pillsbury

School Apportionment Specialist

Department of Finance

# Contents

## **Audit Report**

<b>Summary .....</b>	<b>1</b>
<b>Background .....</b>	<b>1</b>
<b>Objective, Scope, and Methodology .....</b>	<b>2</b>
<b>Conclusion .....</b>	<b>2</b>
<b>Views of Responsible Officials.....</b>	<b>3</b>
<b>Restricted Use .....</b>	<b>3</b>
<b>Schedule 1—Summary of Program Costs .....</b>	<b>4</b>
<b>Findings and Recommendations .....</b>	<b>6</b>
<b>Attachment—District’s Response to Draft Audit Report</b>	

# Audit Report

## Summary

The State Controller's Office (SCO) has completed an audit of the claims filed by the San Mateo County Community College District for costs of the legislatively mandated Collective Bargaining Program (Chapter 961, Statutes of 1975, and Chapter 1213, Statutes of 1991) for the period of July 1, 1999, through June 30, 2002. The last day of fieldwork was July 14, 2003.

The district claimed \$1,090,686 for the mandated program. The audit disclosed that \$355,236 is allowable and \$735,450 is unallowable. The unallowable costs occurred primarily because the district claimed unsupported labor costs. The district was paid \$952,529. The amount paid in excess of allowable costs claimed, totaling \$597,293, should be returned to the State.

## Background

In 1975, the State enacted the Rodda Act (Chapter 961, Statutes of 1975), requiring the employer and employee to meet and negotiate, thereby creating a collective bargaining atmosphere of public school employers. The legislation created the Public Employment Relations Board to issue formal interpretations and rulings regarding collective bargaining under the Act. In addition, the legislation established organizational rights of employees and representational rights of employee organizations, and recognized exclusive representatives relating to collective bargaining. On July 17, 1978, the Board of Control ruled that the Rodda Act imposed a state mandate upon school districts reimbursable under *Government Code* Section 17561.

In 1991, the State enacted Chapter 1213, Statutes of 1991, which requires that school districts publicly disclose major provisions of a collective bargaining effort before the agreement becomes binding. On August 20, 1998, the Commission on State Mandates (formerly the Board of Control) ruled that this legislation also imposed a state mandate upon school districts reimbursable under *Government Code* Section 17561. Costs of publicly disclosing major provisions of collective bargaining agreements that districts incurred after July 1, 1996, are allowable.

Claimants are allowed to claim increased costs. For components G1 through G3, increased costs represent the difference between the current-year Rodda Act activities and the base-year Winton Act activities (generally, fiscal year 1974-75), as adjusted by the implicit price deflator. For components G4 through G7, increased costs represent actual costs incurred. The seven components are as follows:

- G1 – Determining bargaining units and exclusive representation
- G2 – Election of unit representation
- G3 – Cost of negotiations
- G4 – Impasse proceedings
- G5 – Collective bargaining agreement disclosure
- G6 – Contract administration
- G7 – Unfair labor practice charges

*Parameters and Guidelines*, adopted by the Commission on State Mandates, establishes the state mandate and defines criteria for reimbursement. In compliance with *Government Code* Section 17558, the SCO issues claiming instructions for each mandate requiring state reimbursement to assist school districts and local agencies in claiming reimbursable costs.

## **Objective, Scope, and Methodology**

The audit objective was to determine whether costs claimed are increased costs incurred as a result of the Collective Bargaining Program (Chapter 961, Statutes of 1975, and Chapter 1213, Statutes of 1991) for the period of July 1, 1999, through June 30, 2002.

The auditors performed the following procedures:

- Reviewed the costs claimed to determine if they were increased costs resulting from the mandated program;
- Traced the costs claimed to the supporting documentation to determine whether the costs were properly supported;
- Confirmed that the costs claimed were not funded by another source; and
- Reviewed the costs claimed to determine that the costs were not unreasonable and/or excessive.

The SCO conducted the audit in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States. The SCO did not audit the district's financial statements. The scope was limited to planning and performing audit procedures necessary to obtain reasonable assurance concerning the allowability of expenditures claimed for reimbursement. Accordingly, transactions were examined, on a test basis, to determine whether the amounts claimed for reimbursement were supported.

Review of the district's management controls was limited to gaining an understanding of the transaction flow and claim preparation process as necessary to develop appropriate auditing procedures.

## **Conclusion**

The audit disclosed instances of noncompliance with the requirements outlined above. These instances are described in the accompanying Summary of Program Costs (Schedule 1) and in the Findings and Recommendations section of this report.

For the audit period, the San Mateo County Community College District claimed \$1,090,686 and was paid \$952,529 for costs of the Collective Bargaining Program. The audit disclosed that \$355,236 is allowable and \$735,450 is unallowable.

For fiscal year (FY) 1999-2000, the district was paid \$319,503 by the State. The audit disclosed that \$67,760 is allowable. The amount paid in excess of allowable costs claimed, totaling \$251,743, should be returned to the State.

For FY 2000-01, the district was paid \$308,655 by the State. The audit disclosed that \$99,056 is allowable. The amount paid in excess of allowable costs claimed, totaling \$209,599, should be returned to the State.

For FY 2001-02, the district was paid \$324,371 by the State. The audit disclosed that \$188,240 is allowable. The amount paid in excess of allowable costs claimed, totaling \$135,951, should be returned to the State.

### **Views of Responsible Officials**

The SCO issued a revised draft audit report on April 21, 2004. Dr. Ron Galatolo, Chancellor-Superintendent, responded by the attached letter dated May 12, 2004, disagreeing with Findings 1 and 3. The district did not respond to Findings 2 and 4. (The district's response to Finding 2 actually relates to Finding 3.) The district's response is included in this final audit report.

### **Restricted Use**

This report is solely for the information and use of the San Mateo County Community College District, the San Mateo County Office of Education, the California Department of Education, the California Department of Finance, and the SCO; it is not intended to be and should not be used by anyone other than these specified parties. This restriction is not intended to limit distribution of this report, which is a matter of public record.

*Original Signed By:*

JEFFREY V. BROWNFIELD  
Chief, Division of Audits

# Schedule 1— Summary of Program Costs July 1, 1999, through June 30, 2002

<u>Cost Elements</u>	<u>Actual Costs Claimed</u>	<u>Allowable per Audit</u>	<u>Audit Adjustments</u>	<u>Reference <sup>1</sup></u>
<u>July 1, 1999, through June 30, 2000</u>				
Component activities G1 through G3:				
Salaries and benefits	\$ 268,830	\$ 77,247	\$(191,583)	Finding 1
Materials and supplies	—	—	—	
Travel	—	—	—	
Contracted services	—	—	—	
Subtotals	268,830	77,247	(191,583)	
Less adjusted base-year direct costs	(35,841)	(35,841)	—	
Total increased direct costs, G1 through G3	232,989	41,406	(191,583)	
Component activities G4 through G7:				
Salaries and benefits	40,003	16,183	(23,820)	
Materials and supplies	1,568	137	(1,431)	Finding 2
Travel	355	355	—	
Contracted services	272	272	—	
Total increased direct costs, G4 through G7	42,198	16,947	(25,251)	
Total increased direct costs, G1 through G7	275,187	58,353	(216,834)	
Indirect costs	44,316	9,407	(34,909)	Finding 3
Total costs	\$ 319,503	67,760	\$(251,743)	
Less amount paid by the State		(319,503)		
Allowable costs claimed in excess of (less than) amount paid		\$(251,473)		
<u>July 1, 2000, through June 30, 2001</u>				
Component activities G1 through G3:				
Salaries and benefits	\$ 271,389	\$ 90,784	\$(180,605)	Finding 1
Materials and supplies	—	—	—	
Travel	—	—	—	
Contracted services	17,800	17,800	—	
Subtotals	289,189	108,584	(180,605)	
Less adjusted base-year direct costs	(37,310)	(37,310)	—	
Total increased direct costs, G1 through G3	251,879	71,274	(180,605)	
Component activities G4 through G7:				
Salaries and benefits	17,585	15,485	(2,100)	
Materials and supplies	3,702	—	(3,702)	Finding 2
Travel	—	—	—	
Contracted services	300	300	—	
Total increased direct costs, G4 through G7	21,587	15,785	(5,802)	



**Schedule 1 (continued)**

<u>Cost Elements</u>	<u>Actual Costs Claimed</u>	<u>Allowable per Audit</u>	<u>Audit Adjustments</u>	<u>Reference <sup>1</sup></u>
<u>July 1, 2000, through June 30, 2001 (continued)</u>				
Total increased direct costs, G1 through G7	273,466	87,059	(186,407)	
Indirect costs	<u>35,189</u>	<u>11,997</u>	<u>(23,192)</u>	Finding 3
Total costs	<u>\$ 308,655</u>	99,056	<u>\$(209,599)</u>	
Less amount paid by the State		<u>(308,655)</u>		
Allowable costs claimed in excess of (less than) amount paid		<u>\$(209,599)</u>		
<u>July 1, 2001, through June 30, 2002</u>				
Component activities G1 through G3:				
Salaries and benefits	\$ 399,162	\$ 165,783	\$(233,379)	Finding 1
Materials and supplies	—	—	—	
Travel	—	—	—	
Contracted services	<u>9,500</u>	<u>9,500</u>	<u>—</u>	
Subtotals	408,662	175,283	(233,379)	
Less adjusted base-year direct costs	<u>(37,839)</u>	<u>(37,839)</u>	<u>—</u>	
Total increased direct costs, G1 through G3	<u>370,823</u>	<u>137,444</u>	<u>(233,379)</u>	
Component activities G4 through G7:				
Salaries and benefits	32,265	25,730	(6,535)	
Materials and supplies	898	898	—	
Travel	—	—	—	
Contracted services	<u>—</u>	<u>—</u>	<u>—</u>	
Total increased direct costs, G4 through G7	<u>33,163</u>	<u>26,628</u>	<u>(6,535)</u>	
Total increased direct costs, G1 through G7	403,986	164,072	(239,914)	
Indirect costs	<u>58,542</u>	<u>24,348</u>	<u>(34,194)</u>	Finding 3
Total costs	<u>\$ 462,528</u>	188,420	<u>(274,108)</u>	
Less amount paid by the State		<u>(324,371)</u>		
Allowable costs claimed in excess of (less than) amount paid		<u>\$(135,951)</u>		
<u>Summary: July 1, 1999, through June 30, 2002</u>				
Total increased direct costs, G1 through G7	\$ 952,639	\$ 309,484	\$(643,155)	
Indirect costs	<u>138,047</u>	<u>45,752</u>	<u>(92,295)</u>	
Total costs	<u>\$ 1,090,686</u>	355,236	<u>\$(735,450)</u>	
Less amount paid by the State		<u>(952,529)</u>		
Allowable costs claimed in excess of (less than) amount paid		<u>\$(597,293)</u>		

<sup>1</sup> See the Findings and Recommendations section.

# Findings and Recommendations

## FINDING 1— Unsupported salaries and benefits

The district did not provide support for \$638,022 in claimed salaries and benefits for the audit period. Specifically, the district did not provide source documents to validate employees' hours charged, such as individual activity log sheets, meeting sign-in sheets, and time records. In addition, the district used an incorrect productive hourly rate when computing salaries and benefits allocable to the mandated cost program during the audit period.

The following provides a summary breakdown of unallowable salaries and benefits due to unsupportable hours and incorrect productive hourly rates:

	Fiscal Year			
	<u>1999-2000</u>	<u>2000-01</u>	<u>2001-02</u>	<u>Total</u>
Component G3—Cost of Negotiation:				
Unsupported hours at the claimed productive hourly rate	\$(191,823)	\$(176,581)	\$(230,995)	\$(599,399)
Component G5—Contract Administration:				
Unsupported hours at the claimed productive hourly rate	(23,820)	(2,100)	(6,535)	(32,455)
Incorrect productive hourly rates of all claimed costs	<u>240</u>	<u>(4,024)</u>	<u>(2,384)</u>	<u>(6,168)</u>
Audit adjustment	<u>\$(215,403)</u>	<u>\$(182,705)</u>	<u>\$(239,914)</u>	<u>\$(638,022)</u>

*Parameters and Guidelines* requires the claimant to show the classification of the employees involved, amount of time spent, and their hourly rate. In addition, the guidelines require the claimant to show the cost of salaries and benefits for employer representatives participating in negotiations, the cost of substitute teachers for release time of exclusive bargaining unit representatives during negotiations, the job classifications of the bargaining unit representatives that required a substitute, and dates worked.

*Parameters and Guidelines* states that the claimant must support the level of costs claimed and that the claimant will only be reimbursed for the increased costs incurred.

### Recommendation

The district should develop and implement an accounting system to ensure that all claimed costs are properly supported.

### District's Response

This finding states that the district's claims for salaries and benefits were not supported by documentation that the auditors accepted as reasonable proof that the activities occurred. Generally accepted auditing standards require sufficient, competent evidential matter to afford a *reasonable* basis for an opinion. Despite the fact that three three-year contracts were negotiated during the claim period, the

auditors are disallowing any time that is not backed up by a piece of paper and are not exercising any judgment or reason in determining if the District's claim was reasonable. Specifically, for Greg Marvel, the job description and announcement for his position are attached. All of his job duties relate to collective bargaining and the majority is directly involved in either negotiations or preparation for negotiations. In past Health Fee Mandated Cost claims, the director of Health Services has been allowed 100% as the position by its very nature is 100% attributable to Health Services. Similarly, everything that Greg Marvel did is in support of the collective bargaining process and should be allowed. The District is providing additional documentation in the form of a declaration that is attached to this letter as further proof that these activities did indeed take place and that Mr. Marvel did perform the duties as assigned.

In addition to claiming actual hours spent on negotiations, the District claimed release time for AFT members as mandated by a PERB ruling. The PERB ruling states that release time is not only reasonable but a requirement for the negotiation and grievance processes and requires the District to negotiate time for AFT members. The ruling states that EERA section 3543.5 creates a statutory right to release time. The amount of release time the district was providing was not reasonable and collective bargaining required the district to provide a reasonable amount of release time. The district did negotiate release time as required by the PERB ruling and have listed it as a reasonable cost in the claims. The audit has disregarded this administrative ruling and disallowed all of the release time. We believe that the PERB ruling is sufficient justification for this claim.

#### SCO's Comment

The finding and recommendation remain unchanged.

The SCO recognizes that mandated activities took place at the district. The audit's purpose determines the extent that such activities occurred. Based on documentation provided by the district, the SCO could not determine actual time spent on mandate activities.

In its response to the draft audit report, the district only provided a job description of its chief negotiator during FY 1999-2000 in support of its collective bargaining activities claimed. The job description is titled "Assistant Chancellor, Employee Relations and Human Resources" and includes unallowable personnel and training duties. Because not all of the duties are allowable, the SCO has no reasonable basis to allocate reimbursable hours versus non-reimbursable hours in the absence of documented time records. Any attempt to do so would be estimating time spent on reimbursable activities. The unallowable activities from the job description are as follows:

- Research employment, retention, and staff development trends;
- Train management and other staff in procedures related to employee discipline;
- Direct the administration of recruitment, selection, retention, benefits, and evaluation programs for academic, non-academic, and administrative staff;

- Administer a comprehensive district-wide safety program; and
- Administration of district's grievance processing not directly related to collective bargaining issues.

In support of release time claimed for AFT members, the district stated that a Public Employees Relations Board ruling allowing for reasonable release time provides sufficient support for claimed costs. However, the SCO disputes the lack of documentation supporting hours claimed rather than the proper authorization of release time for AFT members. Most of the hours claimed were estimates of time spent on reimbursable activities rather than support of actual time spent. In a few instances, the district was able to verify the presence of several AFT members at certain contract negotiation sessions and the amount of time spent at these sessions.

## **FINDING 2— Unsupported materials and supplies**

The district did not provide documentation to support claimed materials and supplies totaling \$5,133.

The following provides a summary breakdown of unallowable materials and supplies:

	Fiscal Year		Total
	1999-2000	2000-01	
Component G6—Contract Administration:			
Printing	\$ (960)	\$(1,565)	\$(2,525)
Postage	(32)	(214)	(246)
Others	(439)	(1,923)	(2,362)
Totals	<u>\$ (1,431)</u>	<u>\$(3,702)</u>	<u>\$(5,133)</u>

*Parameters and Guidelines* states only expenditures that can be identified as a direct cost resulting from the mandate can be claimed.

*Parameters and Guidelines* states the claimant must support the level of costs claimed and the claimant will only be reimbursed for the increased costs incurred.

### **Recommendation**

The district should develop and implement an accounting system to ensure that all claimed costs are properly supported.

### **SCO's Comment**

The district did not respond to this finding.

**FINDING 3—  
Overstated indirect  
costs**

The district overstated indirect costs by \$92,295 because of the unallowable costs identified in Findings 1 and 2 as follows:

	Fiscal Year			Total
	1999-2000	2000-01	2001-02	
Allowable increased direct costs:				
Salaries and benefits	\$ 93,430	\$106,268	\$191,514	
Materials and supplies	137	—	898	
Travel	355	—	—	
Contract services	272	18,100	9,500	
Subtotals	94,194	124,368	201,912	
Less adjusted base-year costs claimed	<u>(35,841)</u>	<u>(37,310)</u>	<u>(37,839)</u>	
Subtotals	58,353	87,058	164,073	
Multiplied by indirect costs rate	<u>16.12%</u>	<u>13.78%</u>	<u>14.84%</u>	
Allowable indirect costs	9,407	11,997	24,348	
Less indirect costs claimed	<u>(44,316)</u>	<u>(35,189)</u>	<u>(58,542)</u>	
Overstated indirect costs	<u><u>\$(34,909)</u></u>	<u><u>\$(23,192)</u></u>	<u><u>\$(34,194)</u></u>	<u><u>\$(92,295)</u></u>

*Parameters and Guidelines* states the claimant must support the level of costs claimed and the claimant will only be reimbursed for the increased costs incurred.

**Recommendation**

The district should ensure that indirect costs are recomputed whenever there is a change in any allowable program costs.

**District's Response**

Upon restoration of the disallowed costs in Finding 1, indirect costs claimed should be appropriately increased.

**SCO's Comment**

The findings and recommendation remain unchanged. None of the unallowable costs disputed by the district in Finding 1 was reclassified as allowable costs.

**FINDING 4—  
Overstated  
base-year costs**

The district overstated its FY 1974-75 Winton Act base-year direct costs during the audit period by \$22. The district used \$11,755 rather than \$11,733, which was supported. The error occurred when calculating the Skyline College president's base-year costs. This amount was not significant.

This error compounds annually because the *Parameters and Guidelines* requires that each fiscal year's mandated costs are reduced by the current value of the base-year Winton Act activities (base-year costs increased by the implicit price deflator).

Recommendation

The district should review its Winton Act base-year direct costs to ensure that the mathematical error noted above is corrected in subsequent claims.

SCO's Comment

The district did not respond to this finding.

**OTHER ISSUE**

The district stated that the SCO was slow in providing the district with working papers supporting the numbers presented in the draft audit report. The district also questioned the SCO auditors' competence to perform audits on the Collective Bargaining Program.

SCO's Comment

Based on information provided by the district, the SCO reissued the initial draft report to correct computation errors. The SCO auditors are knowledgeable about the collective bargaining process and have performed a number of collective bargaining audits at community college districts.

**Attachment—  
District's Response to  
Draft Audit Report**

---



SAN MATEO COUNTY  
COMMUNITY COLLEGE DISTRICT

Office of the Chancellor

Cañada College, Redwood City  
College of San Mateo, San Mateo  
Skyline College, San Bruno

May 12, 2004

Jim L. Spano  
Chief, Compliance Audits Bureau  
State Controller's Office, Division of Audits  
P.O. Box 942850  
Sacramento, CA 94250-5874

Dear Mr. Spano,

San Mateo Community College District received the draft audit report of its mandated costs claims for the period July 1, 1999, through June 30, 2002 on April 28, 2004. Our response is due within 15 days of our receipt. Here it is.

I first want to comment on how difficult this audit has been. The materials that we have been provided as backup for the audit findings were sloppily prepared and did not match the actual draft report. We requested corrected materials and received documents that still did not match the now revised findings. Only the third set of documents we finally received from your office matched the findings in the revised draft audit. The auditors were not prepared for this audit. Generally accepted auditing standards require that auditors have sufficient competence to plan the audit. These auditors were not knowledgeable about community colleges and particularly about the collective bargaining process in community colleges. They were not sufficiently prepared to do the work of the audit. It is difficult to rely upon their work as competent and complete.

Finding 1: This finding states that the district's claims for salaries and benefits were not supported by documentation that the auditors accepted as reasonable proof that the activities occurred. Generally accepted auditing standards require sufficient, competent evidential matter to afford a *reasonable* basis for an opinion. Despite the fact that three three-year contracts were negotiated during the claim period, the auditors are disallowing any time that is not backed up by a piece of paper and are not exercising any judgment or reason in determining if the District's claim was reasonable. Specifically, for Greg Marvel, the job description and announcement for his position are attached. All of his job duties relate to collective bargaining and the majority is directly involved in either negotiations or preparation for negotiations. In past Health Fee Mandated Cost claims, the director of Health Services has been allowed 100% as the position by its very nature is 100% attributable to Health Services. Similarly, everything that Greg Marvel did is in



support of the collective bargaining process and should be allowed. The District is providing additional documentation in the form of a declaration that is attached to this letter as further proof that these activities did indeed take place and that Mr. Marvel did perform the duties as assigned.

In addition to claiming actual hours spent on negotiations, the District claimed release time for AFT members as mandated by a PERB ruling. The PERB ruling states that release time is not only reasonable but a requirement for the negotiation and grievance processes and requires the District to negotiate time for AFT members. The ruling states that EERA section 3543.5 creates a statutory right to release time. The amount of release time the district was providing was not reasonable and collective bargaining required the district to provide a reasonable amount of release time. The district did negotiate release time as required by the PERB ruling and have listed it as a reasonable cost in the claims. The audit has disregarded this administrative ruling and disallowed all of the release time. We believe that the PERB ruling is sufficient justification for this claim.

Finding 2: Upon restoration of the above disallowed costs in Finding 1, indirect costs claimed should be appropriately increased.

Thank you for your attention to this matter.

Sincerely,



Ron Galatolo  
Chancellor-Superintendent

Attachments: Assistant Chancellor, Announcement of Opening  
Assistant Chancellor, Position Description  
Declaration of Duties

Cc James Keller  
Kathy Blackwood  
Greg Wedner



Cañada College, Redwood City  
College of San Mateo, San Mateo  
Skyline College, San Bruno

Office of the Chancellor

I, Ron Galatolo, declare:

1. I am the Chancellor and Superintendent of San Mateo County Community College District ("District"), and have been in that position since May, 2001. Previous to that position, I was the Executive Vice Chancellor. In that role, I was ultimately responsible for supervision and direction of Mr. Marvel's activities.

2. The matters set forth in this Declaration are true and correct of my own personal and firsthand knowledge, and if called as a witness, I would and could testify competently about such matters.

3. Greg Marvel has been employed by the District during 1999-2000. Attached hereto as Exhibit "A" is a true and correct copy of Mr. Marvel's job description and list of duties during that fiscal year. Exhibit "A" accurately describes the duties performed by Mr. Marvel, all of which relate to and/or involve collective bargaining.

I declare under penalty of perjury that the forgoing is true and correct.

Executed this 12th day of May, 2004, in San Mateo, California.

## SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT

## POSITION DESCRIPTION

**ASSISTANT CHANCELLOR, EMPLOYEE RELATIONS AND HUMAN RESOURCES****A. General Statement**

Responsible to the Chancellor-Superintendent for collective bargaining, grievance administration, bargaining-unit contract interpretation, coordination and management of a comprehensive Districtwide human relations program, including overall employment, compensation and retention services. Serves as the District's chief negotiator and is responsible for developing negotiation proposals, strategies, grievance resolutions and related research as liaison to the Board of Trustees.

**B. Examples of Essential Functions**

1. Confer with the Board of Trustees, Chancellor-Superintendent and senior administrative and representative staff to develop collective bargaining proposals, policies and strategies; serve as principle negotiator and coordinator for collective bargaining activities; design, develop, propose and implement a District plan for collective bargaining; make presentations to the Board of Trustees, senior administrative staff, and other group representatives; attend closed and open meetings of the Board of Trustees to make presentations, participate in planning activities, and to provide current information as assigned;
2. Use a database, a variety of computer software, surveys, and other tools to research collective bargaining, employment, retention, and staff development trends, strategies, statistics, cost estimates, outside institutional and industry practices, current applicable legal positions, and other data; prepares proposals, position papers, research summaries, and other materials based upon research and collected data;
3. Serve as principle administrator for grievance processing in the District; set up, maintain and evaluate grievance procedures, resolutions, costs, trends and related legal resources; direct and implement legal settlements and litigation involving employee discipline, legal actions and related issues, in conjunction with appropriate legal counsel; train management and other staff in procedures related to employee discipline, grievance and complaint resolution, mediation, and related legal requirements;
4. Direct the administration of recruitment, selection, retention, benefits and evaluation programs for academic, non-academic and administrative staff, including development and implementation of database and other systems of applicable online management programs and reports; direct and evaluate the work of administrative, supervisory and other staff as assigned;
5. Administer a comprehensive, Districtwide safety program; confer with outside resources, District collective bargaining and other representatives regarding legal compliance requirements, employee safety assessments and accident trends and analysis; coordinate safety training, resource management, publicity and communication activities and other related programs;
6. Develop and maintain an online and manual labor law library, including current resources related to collective bargaining and grievances, legal trends and District legal activities, market and industry contacts, compensation and employee benefits, college and university practices, and other data;



Assistant Chancellor, Employee Relations and Human Resources (continued):

7. Develop and publish articles, essays, annotated opinions and other materials for dissemination to staff and the media; complete surveys and required reports for WEB page and related electronic media, local, Statewide, federal, and other agencies and institutions.

C. Supervision Exercised

Has direct responsibility for the supervision and evaluation of administrative, paraprofessional and related support staff. Has indirect responsibility for the supervision and coordination of other administrative and supervisory staff in collective bargaining, grievance-handling, safety, and other related programs and activities.

D. Minimum Requirements

Possession of a Master's degree from an accredited college or university. One year of formal training, internship or leadership experience reasonably related to the managerial assignment, which may, but not need be concurrent with the required full-time service. Demonstrated skills in effective communication and interaction with people of diverse racial and language groups, cultures and abilities.

E. Desirable Attributes/Skills

Successful work experience of increasing management-level responsibility which has demonstrated knowledge and skills in the following areas: research, strategic planning, and original and collaborative policy/proposal development related to collective bargaining and grievance resolution; program planning, implementation and evaluation related to human relations, including employee retention, compensation, development, training evaluation and discipline; development and implementation and future planning related to technological applications; skills in research, evaluation and application of specific database and other software to human relations services within an organization; and, demonstrated skills in written and oral communication, including training/instructing.

F. Classification and Contract

This is a classified administrative position, continuation of which is subject to specified contract provisions related to satisfactory performance and District organizational needs. Specific employment contract provisions will include such areas as the following: early contract release notification of March 15th; salary step advancement subject to satisfactory performance; and other such provisions as determined by the Chancellor-Superintendent and Board of Trustees.

(Rev. 9/98-CG)

**State Controller's Office  
Division of Audits  
Post Office Box 942850  
Sacramento, California 94250-5874**

**<http://www.sco.ca.gov>**